

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

DOUGLAS HOWARD,

Plaintiff,

-vs-

CASE NO.
HON.

CITY OF KALAMAZOO, JUSTIN AARON WOLBRINK,
CALEB JONES, and BRETT BYLSMA,
in their individual and official capacities.

Defendants.

CHRISTOPHER TRAINOR & ASSOCIATES CHRISTOPHER J. TRAINOR (P42449) AMY J. DEROUIN (P70514) JONATHAN A. ABENT (P78149) Attorneys for Plaintiff 9750 Highland Road White Lake, MI 48386 (248) 886-8650/ (248)-698-3321-fax shanna.suver@cjtrainor.com amy.derouin@cjtrainor.com jon.abent@cjtrainor.com	
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THERE IS NO OTHER PENDING OR RESOLVED CIVIL ACTION ARISING OUT OF THE
TRANSACTION OR OCCURRENCE ALLEGED IN THE COMPLAINT

COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff, **DOUGLAS HOWARD**, by and through his
attorneys, CHRISTOPHER TRAINOR & ASSOCIATES, and for his Complaint
against the above named Defendants states as follows:

1. Plaintiff DOUGLAS HOWARD is a resident of the Village of Paw Paw, County of Van Buren, State of Michigan.
2. Defendant CITY OF KALAMAZOO is a municipal corporation and governmental subdivision organized and existing under the laws of the State of Michigan.
3. Defendant JUSTIN AARON WOLBRINK is and/or was a police officer employed by Defendant CITY OF KALAMAZOO Public Safety and was assigned to the Kalamazoo Valley Enforcement Team at all times mentioned herein, and was acting under color of law, in his individual and official capacities, and within the course and scope of his employment at all times mentioned herein.
4. Defendant CALEB JONES is and/or was a police officer employed by Defendant CITY OF KALAMAZOO Public Safety and was assigned to the Kalamazoo Valley Enforcement Team at all times mentioned herein, and was acting under color of law, in his individual and official capacities, and within the course and scope of his employment at all times mentioned herein.
5. Defendant BRETT BYLSMA is and/or was a police officer employed by Defendant CITY OF KALAMAZOO Public Safety and was assigned to the Kalamazoo Valley Enforcement at all times mentioned herein, and was

acting under color of law, in his individual and official capacities, and within the course and scope of his employment at all times mentioned herein.

6. All relevant events giving rise to this lawsuit occurred in the City of Kalamazoo, County of Kalamazoo, State of Michigan.
7. Jurisdiction is vested in this Court pursuant to 28 U.S.C § 1331 [federal question], 28 U.S.C. § 1343 [civil rights].
8. This lawsuit arises out of Defendants' violation of Plaintiff's Federal Constitutional rights as secured by the Fourth Amendment of the United States Constitution and consequently, Plaintiff has a viable claim for damages under 42 U.S.C § 1983.
9. That the amount in controversy exceeds Seventy-Five-Thousand Dollars (\$75,000.00) not including interest, costs, and attorney fees.

FACTS

10. Plaintiff alleges and incorporates by reference each and every paragraph of this Complaint as though fully set forth herein.
11. On August 11, 2021, Plaintiff was driving his motorcycle when he came to a stop at a traffic light.
12. While Plaintiff was stopped at the traffic light, Defendant WOLBRINK saw Plaintiff and rammed his vehicle into the side of Plaintiff's

motorcycle, causing Plaintiff to be sent off of his motorcycle.

13. Defendants WOLBRINK and JONES then exited their vehicle, and assaulted and battered Plaintiff.
14. Defendant BYLSMA, driving a second vehicle, stopped and got out of his vehicle, and assaulted and battered Plaintiff.
15. Plaintiff was placed into handcuffs and arrested but fell unconscious shortly thereafter.
16. Plaintiff was transported to a hospital via an ambulance for emergency medical treatment.
17. As a direct and proximate cause of Defendants' unreasonable and/or unlawful actions and/or inactions, Plaintiff suffered significant injuries and damages.

COUNT I
VIOLATION OF THE FOURTH AMENDMENT
42 U.S.C. § 1983 EXCESSIVE FORCE AS TO DEFENDANTS
WOLBRINK, JONES, AND BYLSMA

18. Plaintiff realleges and incorporates by reference each and every paragraph of this Complaint as though fully set forth herein.
19. At all relevant times herein, the individual Defendants acted under color of law, within the scope and course of their employment, and in their official and individual capacity.

20. The individual Defendants violated Plaintiff's clearly established and federally protected rights as set forth under the United States Constitution and the Amendments thereto, including, but not limited to, the Fourth Amendment of the United States Constitution to be free from unreasonable searches and seizures mainly to be free from excessive use of force, when they employed unnecessary and unreasonable excessive force which resulted in significant injures to Plaintiff.
21. The actions of the individual Defendants were at all times objectively unreasonable and in violation of Plaintiff's clearly established rights under the Fourth Amendment to the United States Constitution which proximately resulted in significant injures to Plaintiff.
22. The individual Defendants are not entitled to qualified immunity because they violated Plaintiff's clearly established Fourth Amendment right to be free from excessive use of force.
23. As a proximate result of the violations and/or deprivations of Plaintiff's constitutional rights by the individual Defendants, Plaintiff has a viable claim for compensatory and punitive damages pursuant to 42 U.S.C. § 1983 together with costs, interest, and attorney fees as set forth in 42 U.S.C. § 1988.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an award in his favor and against Defendants in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest, costs, and attorney fees.

COUNT II
DEFENDANT CITY OF KALAMAZOO
CONSTITUTIONAL VIOLATIONS

24. Plaintiff realleges and incorporates by reference each and every paragraph of this Complaint as though fully set forth herein.
25. Defendant CITY OF KALAMAZOO acted recklessly and/or with deliberate indifference when it practiced and/or permitted customs and/or policies and/or practices that resulted in constitutional violations of Plaintiff.
26. These unlawful customs, policies, and/or practices included, but were not limited to, the following:
 - a. Failing to adequately train and/or supervise its police officers so as to prevent violations of citizens' constitutional rights;
 - b. Failing to adequately train and/or supervise police officers regarding reasonable seizures;
 - c. Failing to supervise, review, and/or discipline police officers whom Defendant CITY OF KALAMAZOO knew or should have known were

violating or were prone to violate citizens' constitutional rights, thereby permitting and/or encouraging its police officers to engage in such conduct, and;

- d. Failing to require its police officers to comply with established policies and/or procedures and to discipline or reprimand police officers who violated these policies.
27. Defendant's conduct demonstrated a substantial lack of concern for whether an injury resulted.
28. Defendant's acts and/or indifference and/or omissions were the direct and proximate cause of Plaintiff's injuries.
29. The facts as set forth in the preceding paragraphs constitute a violation of Plaintiff's Fourth Amendment rights pursuant to 42 U.S.C. § 1983, and Plaintiff has a viable claim for compensatory and punitive damages plus interest, costs, and attorney fees as set forth in 42 U.S.C. § 1988.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter and award in Plaintiff's favor and against Defendants in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of costs, interest, and attorney fees.

Respectfully Submitted,
CHRISTOPHER TRAINOR & ASSOCIATES

/s/Christopher J. Trainor

CHRISTOPHER J. TRAINOR (P42449)

AMY J. DEROUIN (P70514)

JONATHAN A. ABENT (P78149)

Attorneys for Plaintiff

9750 Highland Rd.

White Lake, MI 48386

248.886.8650

Dated: November 30, 2022

CJT/sjm

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DOUGLAS HOWARD,

Plaintiff,

-VS-

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Defendants.

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DEMAND FOR TRIAL BY JURY

NOW COMES Plaintiff, **DOUGLAS HOWARD**, by and through his attorneys, CHRISTOPHER TRAINOR & ASSOCIATES, and hereby makes a Demand for Trial by Jury in the above-captioned matter.

Respectfully Submitted,

CHRISTOPHER TRAINOR & ASSOCIATES

/s/Christopher J. Trainor

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